

# Pauling's \$1 Million Libel Bid Tossed Out

NEW YORK (UPI) — State Supreme Court Justice Samuel J. Silverman Tuesday threw out Nobel prize winner Linus Pauling's \$1 million libel action against William F. Buckley Jr., editor of the magazine National Review.

Pauling had based his complaint on two articles in the National Review, one of which had referred to him as a "fellow-traveler."

Silverman based his decision on a U.S. Supreme Court ruling which held that public officials are limited in recovering damages for libel unless they can prove actual malice or reckless disregard of the truth. In effect, he extended the ruling to cover public figures as well as public officials.

"It is clear that, if any private citizen has, by his conduct, made himself a public figure engaged voluntarily in public discussion of matters of grave public concern and controversy, Dr. Pauling has done so," Silverman said in his 13-page decision.

Without ruling on the truth of the National Review article, Silverman found Pauling had failed to prove that there had been reckless disregard of whether the article was false or not.

Silverman said Pauling had "acted well within his legal rights."

"I merely hold that by so doing he also limited his legal remedies for any claimed libel of his reputation," the justice said.

Buckley hailed the ruling as a victory. Pauling declined to comment. His lawyer said it was not yet decided whether to appeal the decision.

*Journal*  
*11/20/66*